



FILED  
2878 / \$  
ZPW

PATENT  
Customer No. 22,852  
Attorney Docket No. 09314-0004-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
PALME et al. ) Group Art Unit: 2878  
)  
Application No.: 09/806,704 ) Examiner: Stephen K. Yam  
)  
Filed: June 27, 2001 ) Confirmation No. 5952  
)  
For: SYSTEM AND METHOD FOR )  
MONITORING THE PERFORMANCE OF )  
DWDM OPTICAL COMMUNICATIONS )  
SYSTEMS )

**Mail Stop AMENDMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(d)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after a Final Office Action and is accompanied by a fee of \$180.00 as specified under § 1.17(p) and a certification as specified under § 1.97(e). Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Each document listed in this Information Disclosure Statement was first cited in a communication from the European Patent Office in a counterpart European patent application No. 02 017 938.8 mailed on April 4, 2005, and this Information Disclosure Statement is being filed within thirty days of the mailing date of that communication. In accordance with 37 C.F.R.

§ 1.704(d), no negative patent term adjustment consequences will apply to this Information Disclosure Statement.

Copies of the listed foreign and non-patent literature documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

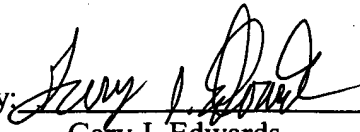
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 22, 2005

By:   
\_\_\_\_\_  
Gary J. Edwards  
Reg. No. 41,008

|  |  |   |    |                          |  |
|--|--|---|----|--------------------------|--|
| IDS Form PTO/SB/08: Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |  |   |    | <b>Complete if Known</b> |  |
| Sheet  |  | 1 | of | 1                        | Application Number<br>09/806,704           |
|  |  |   |    |                          | Filing Date<br>June 27, 2001               |
|  |  |   |    |                          | First Named Inventor<br>PALME et al.       |
|  |  |   |    |                          | Art Unit<br>2878                           |
|  |  |   |    |                          | Examiner Name<br>Stephen K. YAM            |
|  |  |   |    |                          | Attorney Docket Number<br>09314-0004-00000 |

| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS |                          |  |  |  |   |
|---|--------------------------|--|--|--|---|
| Examiner<br>Initials                                | Cite<br>No. <sup>1</sup> | Document Number                          | Issue or<br>Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|   |                          | Number-Kind Code <sup>2</sup> (if known) |  |  |   |
|   |                          | US-                                      |  |  |   |
|   |                          | US-                                      |  |  |   |
|   |                          | US-                                      |  |  |   |
|   |                          | US-                                      |  |  |   |
|   |                          | US-                                      |  |  |   |
|   |                          | US-                                      |  |  |   |
|   |                          | US-                                      |  |  |   |
|   |                          | US-                                      |  |  |   |

**Note:** Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

| FOREIGN PATENT DOCUMENTS |                          |  |                                |  |  |                          |
|--------------------------|--------------------------|--|--------------------------------|--|--|--------------------------|
| Examiner<br>Initials     | Cite<br>No. <sup>1</sup> | Foreign Patent Document  | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | Translation <sup>6</sup> |
|                          |                          | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup><br>(if known) |                                |  |  |                          |
|                          |                          | EP 0 810 752 A2, A3  | Dec. 3, 1997                   | CANON KABUSHIKI KAISHA                             |  |                          |
|                          |                          |  |                                |  |  |                          |
|                          |                          |  |                                |  |  |                          |
|                          |                          |  |                                |  |  |                          |

| NON PATENT LITERATURE DOCUMENTS |                          |   |                          |
|---------------------------------|--------------------------|---|--------------------------|
| Examiner<br>Initials            | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item<br>(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),<br>publisher, city and/or country where published. | Translation <sup>6</sup> |
|                                 |                          | CASPAR et al., "Automatic Switching System in Optical Heterodyne Technique," <i>European Conference on Optical Communication (ECOC)</i> , Helsinki, Sept. 13-17, 1987 Vol. 1, Conf. 13 (Sept 13, 1987).   |                          |
|                                 |                          | MAY, Randy D. "Correlation-based Technique for Automated Tunable Diode Laser Scan Stabilization," <i>Rev. Sci. Instrum.</i> 63(5) (May 1992).   |                          |
|                                 |                          | European Search Report issued in European Patent Application No. 02 017 938.8 on April 4, 2005.   |                          |
|                                 |                          |   |                          |
|                                 |                          |   |                          |

|                       |                    |  |
|-----------------------|--------------------|--|
| Examiner<br>Signature | Date<br>Considered |  |
|-----------------------|--------------------|--|

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.